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Ng Miller

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:) Examiner: William O. Sandals
Wolffe et al.)
For: TARGETED MODIFICATION OF) Group Art Unit: 1636
CHROMATIN STRUCTURE) Confirmation No.: 9058
Serial No.: 09/844,508) Customer No.: 20855
Filed: April 27, 2001) <u>RESPONSE TO RESTRICTION</u>
Atty. Docket No.: 8325-0014) <u>REQUIREMENT</u>

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Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Restriction Requirement mailed November 19, 2002 (Paper No. 13), for which a response is due on or before December 19, 2002. Accordingly, this response is timely filed. The Examiner therein required election of one of the following groups of claims:

- Group I: Claims 1-6, 8, 10-13, 17-33 and 43-70, drawn to a method for modifying a region of cellular chromatin with a fusion molecule;
- Group II: Claims 1, 15, 40 and 71, drawn to a polynucleotide and a method of expressing a fusion polypeptide;
- Group III: Claims 1 and 7, drawn to a method of modifying cellular chromatin with a fusion molecule;
- Group IV: Claims 1 and 9, drawn to a method for modifying cellular chromatin with a fusion molecule;
- Group V: Claims 1 and 14, drawn to a method of modifying chromatin with a fusion molecule;
- Group VI: Claims 1 and 16, characterized in the Restriction Requirement as drawn to a binding site assay;

- Group VII: Claims 34-37, 39 and 41, drawn to a fusion polypeptide and a cell comprising the polypeptide;
- Group VIII: Claims 34 and 38, drawn to a fusion polypeptide;
- Group IX: Claims 40 and 42, drawn to a nucleic acid encoding a fusion polypeptide and a cell; and
- Group X: Claim 72 drawn to a method for binding an exogenous molecule to a site in cellular chromatin.¹

Applicants thank the Examiner for issuing a new restriction requirement and hereby elect to prosecute the claims of Group I (claims 1-6, 8, 10-13, 17-33 and 43-70). This election is made **without traverse**, with the understanding that upon the allowance of linking claim 1, the restriction requirement will be withdrawn and the claims in Groups I-VI will be examined.

Applicants expressly reserve their right under 35 U.S.C. §121 to file one or more divisional applications directed to the nonelected subject matter during the pendency of this application.

No fee is due with this communication. The Commissioner is authorized to charge any fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16, §1.17, or §1.21, to Deposit Account No. 18-1648, referencing Atty. Docket No. 8325-0014. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: 16 Dec 02

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¹ Please note that claim 72, although it includes a step of introducing an exogenous molecule into a cell, is not drawn to a method of introducing an exogenous molecule into a cell as stated in the Office Action.